

**PHARMACY EXAMINING BOARD
JUNE 24, 2009
MEETING MINUTES**

- PRESENT:** Timothy Boehmer, R.Ph.; Amy Mattila, R.Ph.; Pamela Phillips; Suzette Renwick; Jeanne Severson, R.Ph.; Jason Walker-Crawford, R.Ph.; Gregory C. Weber, R.Ph.
- STAFF:** Tom Ryan, Bureau Director; Ruby Jefferson-Moore, DRL Board Counsel; Karen Rude-Evans, Bureau Assistant; and other DRL Staff
- GUESTS:** Carol Petersen, Women's International Pharmacy; Michelle Solomon, M.A. Kreser & Phuong Tran, UW-Madison School of Pharmacy; Lisa Subotkiewicz, Target; Eric Knox, Wisconsin Department of Corrections Jamie Statz- Paynter, Dean Pharmacy; JoAnne Preston, Rural Wisconsin Health Cooperative; Kara Wong & Tom Engels, Pharmacy Society of Wisconsin; Laurie Flegel, Group Health Cooperative; Kurt Holm, Morton Pharmacy, Judy Warmuth, Wisconsin Hospital Association; Donna Naundorf, Cardinal Health; Joseph Vande Burgt, student; Yolanda Tolson & Tom Ludwig, Access Community Health Centers Pharmacy

CALL TO ORDER

Greg Weber, Board Chair, called the meeting to order at 9:01 a.m. A quorum of seven members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Immediately before Item "C" – delete "Report from Speech at the UW Madison School of Pharmacy." This is a duplicate item from the last Board meeting.

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 8, 2009 AND MAY 12, 2009

Corrections to Minutes of April 8, 2009:

- On Page 3, in the first heading, change "P.PH." to "R.PH."
- On Page 4, under Review of Clearinghouse Report, change "clearinghouse report" to "Clearinghouse Report"
- On Page 6, in the heading of the third practice question, correct the spelling of "PHOTGRAPHIC" to "PHOTOGRAPHIC"
- On Page 7, under BILL DRAFT LRB 0065/1..., change "review" to "reviewed"

MOTION: Timothy Boehmer moved, seconded by Pamela Phillips, to approve the April 8, 2009 Minutes as corrected. Motion carried unanimously.

MOTION: Timothy Boehmer moved, seconded by Suzette Renwick, to approve the May 12, 2009 Teleconference Minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Budget Report

The State budget deficit has grown and all agencies must find additional ways to save money. DRL is considering several possibilities including asking boards to hold one of their winter board meetings by teleconference in the coming fiscal year rather than meeting in person, providing boards with smaller agendas by PDF rather than mailing them, and moving back board meeting start times in order to save on hotel costs. Press releases on disciplinary actions will no longer be included in agenda packets and will be available on the DRL website and internal copies of agenda packets are available to staff on a shared drive. By going paperless as much as possible, the Department can save a significant amount of money.

Pagers

You will notice that staff now have pagers so that less of their time is spent waiting for their agenda items to come up in board meetings.

DRL E-Credential

The new E-Credential will become effective July 1, 2009. All credential holders who renew online will receive an email from DRL with instructions on how to print their credential. Credential holders will also be able to update name and address changes online and print an updated credential. E-Credential will eliminate the wait for renewed credentials to be mailed and credential holders may print duplicate copies without paying a fee. For individuals who do not renew online, the Department will process the renewal and will mail the same renewal format as the E-Credential, however, it will be printed in black and white.

Awareness of E-Credential will be achieved through a press release, information on the DRL website and possibly via Regulatory Digests and professional associations.

DRL Outreach

The Secretary continues to travel throughout the state meeting with various consumers and constituents.

PRESENTATION OF REMEDIAL EDUCATION CASES

None.

SPEAKING ENGAGEMENT AND TRAVEL REQUESTS

None.

**REPORT FROM NATIONAL ASSOCIATION OF BOARDS OF PHARMACY
(NABP) ANNUAL MEETING – MAY 16-19, 2009 – MIAMI, FL**

Amy Mattila attended the NABP Annual meeting. She reported on the topics of the meeting.

**REPORT FROM MULTISTATE PHARMACY JURISPRUDENCE (MPJE) ITEM
WRITING WORKSHOP**

Amy Mattila attended the workshop in Chicago.

REQUEST FOR SPEAKER AT LAKESHORE TECHNICAL COLLEGE

Dave Brown, Lakeshore Technical College, has requested a Board member speak to the pharmacy technician students in the Pharmacy Law course in September.

MOTION: Suzette Renwick moved, seconded by Jason Walker-Crawford, to authorize Timothy Boehmer to represent the Board to speak to the students in the Pharmacy Law course at Lakeshore Technical College September 28 or 30, 2009. Motion carried unanimously.

**PRESENTATION OF CONCORDIA UNIVERSITY WISCONSIN SCHOOL OF
PHARMACY**

Curt Gielow, Executive Dean, Dean Arneson, Academic Dean, and Doug Meyer, Director of Experiential Education, Concordia University Wisconsin School of Pharmacy, made a presentation to the Board on the curriculum for their new School of Pharmacy. The first class of pharmacy students will enroll in September 2010.

**WIS. ADMIN. CODE § PHAR 4.02(2), RELATING TO THE PRACTICAL
EXAMINATION**

Ruby Jefferson-Moore updated the Board on the status of the rule.

MOTION: Jason Walker-Crawford moved, seconded by Timothy Boehmer, to adopt Wis. Admin. Code § Phar 4.02(2) relating to the practical

examination after the thirty (30) day Committee review period and to authorize Tom Ryan to sign the rule on behalf of the Board.
Motion carried unanimously.

**STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, DIVISION
OF PUBLIC HEALTH – STORAGE AND DISTRIBUTION OF STATE-OWNED
MEDICAL COUNTERMEASURES FOR INFLUENZA PANDEMIC CONTRACT
AGREEMENT AND GRANTING OF VARIANCE**

Ruby Jefferson-Moore and Greg Weber updated the Board on the request for the variance received from the Wisconsin Department of Health Services. The variance was granted on May 7, 2009, for a period of 90 days. Extensions may be granted if the Board determines that it is necessary to protect the public health, safety or welfare. The Board will review current law surrounding DHS emergency variances at its next meeting.

VARIANCE REQUESTS

**ACCESS COMMUNITY HEALTH CENTERS PHARMACY, MADISON
– YOLANDA TOLSON AND TOM LUDWIG**

Yolanda Tolson and Tom Ludwig appeared before the Board to request a variance for a remote dispensing site. The Board members reviewed the plan and made revisions.

MOTION: Timothy Boehmer moved, seconded by Jeanne Severson, to grant the variance request from Access Community Health Centers Pharmacy for a remote dispensing site at 2202 S. Park Street, Madison, with the revisions made by the Board, and to require quarterly calendar reporting to the Board. Motion carried unanimously.

Greg Weber requested Yolanda Tolson email the revised version of the variance request documents to him for review.

KURT HOLM, MORTON PHARMACY, NEENAH WI

Kurt Holm, Morton Pharmacy, Neenah, requested a variance on the delivery of prescriptions.

MOTION: Jason Walker-Crawford moved, seconded by Jeanne Severson, to grant the delivery variance to Morton Pharmacy, Neenah, for a period of one year with reporting required in January and July. Motion carried unanimously.

**VARIANCE REPORT – ROESCHEN'S OMNICARE PHARMACY –
MILWAUKEE**

The variance report from Roeschen's Omnicare Pharmacy, Milwaukee, was reviewed.

VARIANCE REPORT – ROUNDY’S SUPERMARKET, INC. - MILWAUKEE

The variance report from Roundy’s Supermarket, Inc., Milwaukee, was reviewed.

PRACTICE QUESTION – DRUG DELIVERY – GARY PLANK, MARSHFIELD CLINIC, MARSHFIELD

Prescription Solutions Specialty Pharmacy needs to be a licensed (in-state or out-of-state) pharmacy and would need a delivery variance to deliver patient-specific medications to a physician’s office.

PRACTICE QUESTION – PHARMACY LICENSURE FOR COUNTY JAIL FACILITIES AND DEA PERMITS

Ruby Jefferson-Moore will research the requirements for county jails and report back to the Board. A decision on this question is deferred until more information is available.

PRACTICE QUESTION – PRESCRIPTION REVIEW – GUNDERSEN LUTHERAN CLINIC PHARMACY – JAMES J. BOMKAMP

Prescriptions for Schedule III - V controlled substances must be signed by the practitioner and not the agent of the practitioner.

VARIANCE REQUESTS AND REPORTS RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA

None.

BOARD REVIEW OF CURRENT AND FUTURE RULEMAKING AND LEGISLATIVE INITIATIVES

Noted and reviewed. No action taken.

PRACTICE QUESTIONS RECEIVED AFTER MAILING OF AGENDA

None.

APPLICATION ISSUE – CRITERIA FOR NEW GRADUATES APPLYING BY ENDORSEMENT WITH LESS THAN 2000 HOURS OF PRACTICE – JULIE REIMANN – DIVISION OF CREDENTIAL PROCESSING

Julie Reimann appeared before the Board to discuss the required forms for endorsement applicants with less than 2000 hours of practice.

MOTION: Suzette Renwick moved, seconded by Jeanne Severson, to suspend use of Form #1303. Motion carried unanimously.

PHYSICIAN ASSISTANT PRESCRIBING RULE DRAFT STATUS

Tom Ryan reviewed this rule and said the Department received more than 100 letters in favor of this rule. The rule will be effective August 1, 2009.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION, AND ANY CASES, RULES AND LEGISLATION RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA

The Board reviewed the summary reports. In the future, this report will be on the DRL website and only the rules report will be included in the agenda packets.

RULE WRITING STATUS REPORT – REMOTE DISPENSING, WIS. ADMIN. CODE § PHAR 7.09

Ruby Jefferson-Moore reported to the Board on the status of Wis. Admin. Code § Phar 7.09. The rule draft was presented at the last meeting. The Board members were asked to email their comments and suggestions to Ms. Jefferson-Moore, and these will be reviewed at the next Board meeting.

APPLICATION REVIEW – MEDCO AT HOME

Timothy Boehmer reviewed this application with the Board. MEDCO should refer to Chapter PHAR 6.06 (1) and (2). MEDCO should request variances from any of the requirements that may be necessary.

REGULATORY DIGEST – GREG WEBER

Greg Weber had no report or updates at this time.

DOE INSPECTION LIAISON – AMY MATTILA

No report.

CREDENTIALING LIAISON REPORT – TIMOTHY BOEHMER

No additional information.

QUALITY REVIEW COUNCIL (QRC) REPORT AND APPOINTMENT OF NEW BOARD REPRESENTATIVE TO QRC

Jason Walker-Crawford has been the Board's representative on the QRC. The next meeting is August 20. Jeanne Severson will attend the next meeting and will contact QRC to inquire about attending the meetings via teleconference and also to request advanced notice of the meetings.

**STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE (SCAODA)
REPORT – PAMELA PHILLIPS**

Pamela Phillips did not attend the December and March meetings.

**SENATE BILL 180 RELATING TO GRANTING PRESCRIPTIVE AUTHORITY
TO PSYCHOLOGISTS**

Timothy Boehmer expressed concerns about psychologists having dispensing authority. The bill uses the word "distribute" and not "dispense," and he questioned if this is an error.

MOTION: Timothy Boehmer moved that the Psychology Examining Board provide clarification on dispense and distribute; if they intend to dispense, the psychologist must follow the same requirements as pharmacists. The motion failed for lack of a second.

MOTION: Suzette Renwick moved, seconded by Pamela Phillips, to have the Pharmacy Examining Board go on record in opposition of this bill. Motion carried unanimously.

**SENATE BILL 198 RELATING TO DONATING DRUGS AND DISPENSING
DONATED DRUGS**

The Board reviewed and discussed Senate Bill 198. A concern was raised with the word "dispensing" in the last sentence of the analysis.

**ASSEMBLY BILL 227 RELATING TO DIRECTING THE PHARMACY
EXAMINING BOARD TO CREATE A PROGRAM TO MONITOR THE
DISPENSING OF PRESCRIPTION DRUGS AND REQUIRING THE EXERCISE
OF RULE-MAKING AUTHORITY**

The Board reviewed and discussed Assembly Bill 227.

MOTION: Timothy Boehmer moved, seconded by Jeanne Severson, to request that the language of Assembly Bill 227 be changed to include all disciplines with dispensing authority be required to report under this bill. Motion carried unanimously.

**ASSEMBLY BILL 241 RELATING TO RETAIL THEFT, PROOF OF
OWNERSHIP FOR FLEA MARKET SALES**

Noted.

**2009 ASSEMBLY JOINT RESOLUTION 27 RELATING TO IMPROPERLY
DISPOSED PHARMACEUTICAL DRUGS**

June 6 was designated as Proper Drug Disposal Day.

LEGISLATIVE REPORT – JASON WALKER-CRAWFORD

Jason Walker-Crawford reported no action on any other legislation other than what is noted above.

IMPAIRED PROFESSIONALS PROCEDURE (IPP) TASKFORCE REPORT

Jeanne Severson was unable to attend the last two IPP Taskforce meetings. Tom Ryan reported the Taskforce developed a list of recommendations that have been forwarded to Secretary Jackson. Mr. Ryan will bring these recommendations to the next Board meeting.

**DRUG ENFORCEMENT ADMINISTRATION MONTHLY DRUG THEFT AND
LOSS REPORTS**

The Board reviewed the DEA Drug Theft and Loss reports for March, April and May, 2009.

PRESCRIPTION FRAUD – DEA NUMBER DATABASES

Some DEA numbers have been compromised in the Madison area and there is concern with fraudulent activity with DEA numbers.

INFORMATIONAL ITEMS

The Board reviewed the informational items in the agenda packet.

PUBLIC COMMENTS

Several comments were made regarding pending legislation.

CLOSED SESSION

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to convene to closed session to deliberate on case(s) following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b) and 440.205); to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll Call Vote: Amy Mattila-yes; Timothy Boehmer-yes; Jason Walker-Crawford-yes; Gregory C. Weber-yes; Pamela Phillips-yes. Motion carried unanimously.

Open session recessed at 1:33 p.m.

RECONVENE TO OPEN SESSION

MOTION: Suzette Renwick moved, seconded by Amy Mattila, to reconvene into open session. Motion carried unanimously.

Open session reconvened at 3:57 p.m..

VOTING ON ITEMS CONSIDERED/DELIBERATED IN CLOSED SESSION

APPLICATION REVIEW

JOSEPH E. DUCHENE, R.PH.

MOTION: Pamela Phillips moved, seconded by Jeanne Severson, to approve the application of Joseph E. Duchene, R.Ph., and to grant the license when all requirements are met. Motion carried unanimously.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

GABRIEL J. SIMONS, R.PH.

MOTION: Jason Walker-Crawford moved, seconded by Amy Mattila, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning Gabriel J. Simons, R.Ph. Greg Weber abstained. Motion carried.

JOSEPH A. THEISEN, R.PH.

MOTION: Pamela Phillips moved, seconded by Amy Mattila, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning Joseph A. Theisen, R.Ph. Jason Walker-Crawford and Jeanne Severson abstained. Motion carried.

HOLLY M. SLUSSER, R.PH.

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning Holly M. Slusser, R.Ph. Motion carried unanimously.

RICHARD J. ZIEMANN, R.PH.

MOTION: Timothy Boehmer moved, seconded by Amy Mattila, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning Richard J. Ziemann, R.Ph. Motion carried unanimously.

PATRICIA ANN KRAMER, R.PH.

MOTION: Timothy Boehmer moved, seconded by Amy Mattila, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning Patricia Ann Kramer, R.Ph. Motion carried unanimously.

LAURA M. ERYOU, R.PH.

MOTION: Jason Walker-Crawford moved, seconded by Suzette Renwick, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning Laura M. Eryou, R.Ph. Motion carried unanimously.

JAMES GOOCH, R.PH.

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning James Gooch, R.Ph. Amy Mattila abstained. Motion carried.

KATHRYN A. ENDLE, R.PH.

MOTION: Suzette Renwick moved, seconded by Jeanne Severson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning Kathryn A. Endle, R.Ph. Greg Weber abstained. Motion carried.

MICHAEL DEETS, R.PH.

MOTION: Suzette Renwick moved, seconded by Jason Walker-Crawford, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning Michael Deets, R.Ph. Timothy Boehmer abstained. Motion carried.

MARK H. HENSTEIN, R.PH.

MOTION: Jason Walker-Crawford moved, seconded by Timothy Boehmer, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary matter concerning Mark H. Henstein, R.Ph. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNINGS

CASE 06 PHM 042

MOTION: Jeanne Severson moved, seconded by Suzette Renwick, to issue the administrative warning in case **06 PHM 042**. Motion carried unanimously.

06 PHM 044

MOTION: Timothy Boehmer moved, seconded by Amy Mattila, to issue the administrative warning in case **06 PHM 044**. Greg Weber recused himself from deliberation and abstained from voting. Motion carried.

05 PHM 034

MOTION: Timothy Boehmer moved, seconded by Jeanne Severson, to issue the administrative warning in case **05 PHM 034**. Greg Weber recused himself from deliberation and abstained from voting. Motion carried.

CASE CLOSINGS

04 PHM 058

MOTION: Timothy Boehmer moved, seconded by Amy Mattila, to close case **04 PHM 058** for compliance gained. Motion carried unanimously.

06 PHM 042

MOTION: Pamela Phillips moved, seconded by Jason Walker-Crawford, to close case **06 PHM 042** for prosecutorial discretion (P2). Motion carried unanimously.

07 PHM 070

MOTION: Pamela Phillips moved, seconded by Amy Mattila, to close case **07 PHM 070** for prosecutorial discretion (P2). Motion carried unanimously.

08 PHM 064

MOTION: Suzette Renwick moved, seconded by Jeanne Severson, to close case **08 PHM 064** for prosecutorial discretion (P2). Greg Weber was recused for deliberation and abstained from voting. Motion carried.

09 PHM 013

MOTION: Timothy Boehmer moved, seconded by Amy Mattila, to close case **09 PHM 013** for no violation. Motion carried unanimously.

MONITORING

GARY MILLER, R.PH.

Gary Miller, R.Ph., appeared with his attorney, Christopher Wolske, to request reinstatement of his pharmacist license.

MOTION: Suzette Renwick moved, seconded by Jason Walker-Crawford, to deny Gary Miller's request for reinstatement of his pharmacist license due to the seriousness and the number of violations, disregard for pharmacy law and his consent to the stipulation. Timothy Boehmer was recused for deliberation and abstained from voting. Motion carried.

**THOMAS PIRE, R.PH.
REQUEST FOR FULL LICENSURE**

MOTION: Timothy Boehmer moved, seconded by Pamela Phillips, to grant the request for full licensure to Thomas Pire, R.Ph.. Greg Weber abstained. Motion carried.

**CAROL HERMANN, R.PH.
REQUEST FOR FULL LICENSURE**

MOTION: Jeanne Severson moved, seconded by Jason Walker-Crawford, to grant the request for full licensure to Carol Hermann, R.Ph. Motion carried unanimously.

ROBERT KUNDE, R.PH.
REQUEST FOR STAY OF SUSPENSION AND MODIFICATION OF ORDER

MOTION: Jeanne Severson moved, seconded by Timothy Boehmer, to grant a continuous stay of suspension and reduce the number of screens to 48 per year. Motion carried unanimously.

CONSULTING WITH LEGAL COUNSEL

Ruby Jefferson-Moore presented an update in the matter of Dalton L. Holmen v. Wisconsin Department of Regulation and Licensing.

ADJOURNMENT

MOTION: Suzette Renwick moved, seconded by Jason Walker-Crawford, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 4:05 p.m.